

Maryland

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1861

House ~~of Delegates~~

EXTRA SESSION

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BY THE SENATE,

JUNE 6th, 1861.

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# REPORT

OF

## THE COMMISSIONER

APPOINTED TO WAIT ON THE

## GOVERNOR OF VIRGINIA,

TO THE

GENERAL ASSEMBLY OF MARYLAND.

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EXTRA SESSION, 1861.

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1861.



## REPORT OF COMMISSIONER HORSEY.

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*To the Honorable,*

*The General Assembly of Maryland:*

The undersigned, appointed a Commissioner to the State of Virginia, to enter into negotiations with the proper authorities thereof, for the protection of the citizens of Maryland from injury in person or property, by any unadvised acts of the military forces of Virginia, and to obtain compensation for any injuries already done, begs leave to report to your Honorable Body—

That, in the accomplishment of his mission, he proceeded at once to Richmond, and received from Governor Letcher the most distinct disavowal of the acts of the military, in molesting our citizens, and seizing and holding their property, accompanied by expressions of deep regret for any such acts of lawlessness, and of earnest desire to maintain the most harmonious relations with the citizens of our State. He expressed a readiness to make the most liberal compensation for any injuries committed.

A gentleman was appointed to return with your Commissioner, and institute inquiries into the nature and extent of any injuries incurred by citizens of Maryland.

On their return to Maryland, they made a legal investigation of the seizure of the boat and grain of C. F. Wenner, which, he is happy to state, resulted in the satisfactory adjustment of the claim of Mr. Wenner, whose receipt upon his petition to the Executive, accompanies this report. The case of Mr. Wenner was the only one of which the undersigned was apprised at the time, and he believes it is the only instance of the interruption of the Canal.

On his return to Maryland, your Commissioner received from the Clerk of the Honorable House of Delegates the memorial of certain citizens of Montgomery county, and the letter of Mr. Biggs, of Washington county, with instructions to obtain accurate information in regard to the subjects thereof, and report the

same to that Honorable Body, with the result of any negotiations relating thereto with the authorities of Virginia.

Your Commissioner visited at once Montgomery county, and some of the petitioners, and ascertained that the apprehensions of molestation from the troops of Virginia were entirely groundless. He was informed by Mr. Darby, one of the petitioners, a respectable citizen, and owner of a large and important mill on Seneca Creek, near the Canal, that the petition had grown out of what they then considered well founded apprehensions of his neighbors, of injury to his mill property, in the continued security and operation of which they were all interested, arising from the fact of his supplying the Government with flour; but that he was now satisfied their apprehensions had been groundless, and his trade on the Canal, and his other branches of business, had not been threatened or molested by the troops of Virginia.

The undersigned made as thorough an examination of the condition of things on the Maryland mountain, opposite Harper's Ferry, as the pressure of circumstances, and the almost inaccessible nature of its approaches, would admit of.

Its top was occupied by four or five hundred Virginia troops, who had cut down four or five acres of the indifferent timber which clothes its summit, for the apparent purpose of constructing huts for their temporary shelter; and about the same space of land had been burnt over by the accidental contact of the dried leaves with their camp fires, as your Commissioner supposes.

That as soon as he had investigated all the complaints he returned to Richmond, and reached there on Wednesday, the 29th ultimo, when the authorities were engaged with the pressing duties arising from their reception of the President and Government of the Confederate States of America. That, on the evening of the 30th, he had a short interview with Governor Letcher, and brought to his notice the object of his mission, and the specific acts of aggression complained of, in the entrance upon our soil of the troops of Virginia.

The Governor was understood to say that he would apply to the commanding officer at Harper's Ferry for information on the subject, and be prepared to reply more fully when the report of that officer was received; but he begged me to convey to your Honorable Body the distinct and earnest assurance, that if, at any time, the military forces of Virginia should trespass or temporarily occupy the soil of Maryland, it could only be justified by the pressing exigency of a military necessity, in defence and protection of her own soil from threatened or actual invasion, and certainly with no hostile intent towards the citizens of the State of Maryland, and that any and all damages to persons or property, consequent upon such occupation, should be fully and liberally compensated for.

Your Commissioner left with the Governor, at his request, a copy of the resolutions aforesaid, and the letter of Mr. Biggs,

and regrets that the distracted state of the country, and the uncertainty of communication, compelled him to leave Richmond on Saturday morning, in order to be present at the assembling of your Honorable Body, and before he had received a definitive reply from the Governor of Virginia. That, as soon as he receives any further communication from him, he will make a further report to your Honorable Body.

Your Commissioner may be permitted to remark, that the people of the western counties of the State, and adjacent to the Canal, are much interested in preserving from molestation the trade along its line of navigation, and he has been particularly solicitous in removing all obstacles which threatened it. While the bed of the Canal is on the soil of Maryland, the dams which furnish it with water are dependant on the protection of the Virginia authorities; and while they have, as yet, manifested no disposition to withdraw their guardianship, and leave them liable to the depredations of malignant persons, your Commissioner has deemed it his duty to guard against, as far as possible, such a contingency, and he indulges in a well founded confidence that, the material interests of this great State work will not be seriously jeopardized.

O. HORSEY.

## PETITION OF CHARLES F. WENNER.

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*To His Excellency, the Governor of Maryland:*

The undersigned respectfully represents that he is a citizen of Frederick county, in the State of Maryland, resident at Berlin, on the line of the Chesapeake and Ohio Canal, and engaged in the business of forwarding grain and other produce over said canal to the terminus thereof at Georgetown, in the District of Columbia—that for the prosecution of said business, he owns two canal boats, to each of which are attached three hands for the management of the boats, and four mules, and has a warehouse for the storage of grain purchased by him or left with him on commission at Berlin; that on the 22d day of April, instant, he had a boat loaded with grain on its way to Georgetown, and he left his home and went to Georgetown for the purpose of disposing of the cargo, and inquiring into prices of grain at that market, in order to determine on the time when he should ship the grain then in his warehouse; that being advised by his commission merchant at Georgetown that prices were high and rising, he on the same day of his arrival, (Tuesday, the 23rd inst.,) started for home, and riding all night on horseback, reached his home, at a distance of fifty-five miles from Georgetown, about sunrise on Wednesday morning, the 24th instant; that he immediately caused his boat, then at Berlin, to be loaded with the grain then in his warehouse, using great exertions to have it loaded as quickly as possible, in order to avoid probable detention on account of the water, which was being let out of certain portions of the canal for repairs; and that about 12 o'clock, M., on Wednesday, the 24th day of April, his said boat was loaded, and he was about to dispatch her to Georgetown, when a detachment of military rode up to him and demanded that said boat and cargo should be delivered up to them; that the officer in command of said squad, or detachment, announced that he acted under the order of the commander of the military force of the State of Virginia, then stationed at Harper's Ferry; that the undersigned immediately protested against the act, claimed that he was a citizen of



Maryland, and in no way amenable to the authorities of Virginia, and refused to surrender his property, then in Maryland, to any authority of Virginia, but stated that he was always ready to obey the authorities of his own State of Maryland; that the officer in command stated that the commander at Harper's Ferry was in correspondence with your Excellency, and he believed had authority from your Excellency for the seizure then being made; that the undersigned, refusing to surrender his property unless the orders of your Excellency were inspected by him, a soldier was dispatched to Harper's Ferry to procure said orders, and, in the meantime, the boat and cargo were taken possession of; and on the representation of the undersigned, that if said boat and cargo were detained until the arrival of said messenger, that the water would be so much lowered that he would not be able to proceed to Georgetown, in case the order of your Excellency, authorizing said seizure, should not be produced; the officer in command determined that the undersigned should conduct said boat to the Point of Rocks, a distance of six miles, guarded by his detachment of men, and should there await the return of said messenger. During the evening the messenger returned without any orders of your Excellency, but accompanied and followed during the night by three several additional detachments, numbering in all, over eighty men, and the whole force, under the command of Colonel Baylor, of the Virginia forces, took forcible possession of the mules, boat and grain, in defiance of the protest of the undersigned, and with the repeated threats to shoot him, unloaded the grain, sent part of it over the bridge at Point of Rocks into Virginia, and other portions of it had been transferred to cars on the Baltimore and Ohio Railroad, and taken to Harper's Ferry. All the grain in the boat was appropriated by the military, and the boat, mules and hands were left in their hands, when the undersigned came to Frederick to seek redress; and on his return, found that the hands with said boat had been permitted by the military to return with the boat and mules to Berlin.

The cargo of said boat, seized by said military and appropriated to its own use, consisted of two thousand bushels of oats, of which the selling price at Georgetown, on the 26th day of April, the day on which said boat would have arrived, and said cargo been ready for sale, was seventy-five cents per bushel; two hundred bushels of white corn, of which the selling price on said day was \$1.20 per bushel; six hundred bushels of yellow corn, of which the price as aforesaid was \$1.05 per bushel; and twenty-five bushels of wheat, of which the price as aforesaid, was \$1.75 per bushel. From that time to the present, said boat, with team and hands, has been unused, wholly because the undersigned has feared similar seizures. The average earnings of said boat and team has been about \$10 per day, which has been lost entirely to the undersigned.

Your Excellency will understand that all the occurrences aforesaid, were on the soil of Maryland. The undersigned respectfully appeals to the constituted authorities of the State, of which he is a citizen, for indemnity and vindication, on account of the outrage which has been perpetrated upon him, and has the honor to be,

Your Excellency's humble servant,

CHARLES F. WENNER.

STATE OF MARYLAND,

*Frederick County, to wit:*

I hereby certify, that on this 30th day of April, 1861, before the subscriber, a Justice of the Peace of the State of Maryland, in and for Frederick county, personally appeared Chas. F. Wenner, and made oath on the Holy Evangely of Almighty God, that the matters, facts and things in the foregoing memorial contained, are true as stated.

W. MAHONY.

Received, June 4th, 1861, of O. Horsey, Esq., Commissioner of the State of Maryland to the State of Virginia, one thousand six hundred and ninety-three dollars and seventy-five cents, (\$1,693.75,) the amount allowed by the State of Virginia, in satisfaction of the within claim, and which I hereby receive in full satisfaction and discharge of said within stated claim.

CHARLES F. WENNER.



